

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

STEPHANIE STEWART

Plaintiff,
vs.

Case No. 14-
Hon.

DETROIT POLICE OFFICER REGINALD BEASLEY
DETROIT POLICE OFFICER RADAMES BENITEZ
DETROIT POLICE SERGEANT THARADROUS WHITE
DETROIT POLICE OFFICER LEO RHODES FURLOUGH
DETROIT POLICE OFFICER MATTHEW BRAY
In each of their official and individual capacities, jointly and severally,

Defendants.

DANIEL G. ROMANO (P49117)
STANLEY I. OKOLI (P73722)
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There is no other pending or resolved civil action in existence between these parties or other parties arising out of the transaction or occurrence alleged in this Complaint.

COMPLAINT & DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, STEPHANIE STEWART, by and through her attorneys, ROMANO LAW P.L.L.C., and Complaining against the aforementioned Defendants, would aver unto this Honorable Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff STEPHANIE STEWART (hereinafter “plaintiff”) is a resident of the County of Wayne, City of Detroit and State of Michigan.
2. Defendant-Officers REGINALD BEASELY, RADAMES BENITEZ, THARADROUS WHITE, LEO FURLOUGH, MATTHEW BRAY (hereinafter “defendant-officers”) are police officers in the employ City of Detroit, who at all relevant times were acting under color and scope of the authority vested in them.
3. Jurisdiction belongs to this Honorable Court pursuant to 28 U.S.C. § 1331 as pertains to federal questions posed by 42 U.S.C. § 1983 claims as brought in this instance by Plaintiff.
4. This Honorable Court maintains jurisdiction over Plaintiff’s state claims pursuant to the Federal Rule of Civil Procedure 18 and 28 U.S.C. §1367 as codifies supplemental jurisdiction or, previously, pendent jurisdiction as was articulated in *United Mine Workers of America v. Gibbs*, 383 US 715 (1966).
5. Venue is proper in the United States District Court for the Eastern District of Michigan as the locus within which the entirety of the events complained of transpired.

GENERAL ALLEGATIONS

6. That on or about August 12, 2013, the Plaintiff was at the topmost floor of her residence when she heard a loud thudding against the door as an object repetitively collided with it.
7. That she ran downstairs to investigate and arrived only to have the door collapse against her as the Defendants broke it down with an object that resembled a battering ram.
8. The Plaintiff hit her back and head on the stair case.
9. The Defendants asked if she had any weapons and then handcuffed her before ransacking the house.

10. The Defendants requested for her son's whereabouts and the Plaintiff divulged that she did not have a son, and kept reiterating that they were arresting the wrong person.
11. She was told that "this [was] the house" and was asked repeatedly for "the safe," weapons and drugs.
12. The Plaintiff's hands began to go numb from the tightness of the cuffs on her wrists behind her back, and they were eventually moved to the front at her request.
13. The Defendants had effectuated a search warrant on the wrong house.
14. The Plaintiff continues to receive treatment from for her right hand and for her back.
15. That as a direct and proximate result of the wrongful acts of Defendants as set forth above, the Plaintiff suffered debilitating injuries some of which are permanent.
16. That as a direct and proximate result of the wrongful acts of Defendants which inflicted such grievous injuries upon Plaintiff, he:
 - a. Suffered shock, emotional damages and anxiety;
 - b. Was unable to attend to her usual affairs as heretofore was his habit;
 - c. Was hampered in her enjoyment of life;
 - d. Was forestalled from living normally as she did hitherto to the incident;
 - e. Injuries of such permanent nature as will constrain her ability to earn money, and will impair her earning capacity;
17. The amount in controversy exceeds Seventy-Five Thousand Dollars and is otherwise within the jurisdiction of this court.

COUNT I
42 U.S.C. § 1983

18. Plaintiff realleges and incorporates by reference each of the allegations contained in the previous paragraphs as though fully set forth herein
19. That 42 U.S.C. § 1983 ascribes civil liability for the deprivation of any rights, privileges and immunities vouchsafed by the U.S. Constitution and all laws of the United States and the State of Michigan.
20. That at times relevant to the events herein complained of, defendant-officers were acting under color of law and scope of the authority vested in them as police officers.
21. That at all times material herein, Defendant-Officers deprived Plaintiff of his rights, privileges and immunities vouchsafed by the Constitution of the United States, and specifically by its Fourth and Fourteenth Amendments.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled to, including exemplary and punitive damages, interest, costs and attorney fees.

COUNT II
ASSAULT AND BATTERY

22. Plaintiff realleges and incorporates by reference each of the allegations contained in the previous paragraphs as though fully set forth herein.
23. That Defendant-Officers did assault and batter Plaintiff.
24. That the Plaintiff gave no consent for the offensive touching.
25. That as a result of the aforesaid assault and battery, Plaintiffs suffered numerous injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled to, including exemplary and punitive damages, interest, costs and attorney fees.

COUNT III – INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

26. Plaintiff realleges and incorporates by reference each of the allegations contained in the previous paragraphs as though fully set forth herein.
27. That Defendants exhibited extreme and outrageous conduct towards the Plaintiff.
28. The amount in controversy exceeds Twenty-Five Thousand Dollars and is otherwise within the jurisdiction of this court.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled to, including exemplary and punitive damages, interest, costs and attorney fees.

COUNT IV – FALSE ARREST

29. Plaintiff realleges and incorporates by reference each of the allegations contained in the previous paragraphs as though fully set forth herein.
30. That the defendant-officers falsely arrested Plaintiff, which arrest was effectuated without legal justification.
31. That the defendant-officers arrested Plaintiff in the absence of probable cause.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled to, including exemplary and punitive damages, interest, costs and attorney fees.

COUNT V – FALSE IMPRISONMENT

32. Plaintiff realleges and incorporates by reference each of the allegations contained in the previous paragraphs as though fully set forth herein.
33. That by reason of the wrongful acts of the defendant-officers, Plaintiff was falsely imprisoned.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled to, including exemplary and punitive damages, interest, costs and attorney fees.

By: *s/Daniel G. Romano*
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Dated: October 1, 2014

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DETROIT POLICE OFFICER TIFFANY MCCRACKIN

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DEMAND FOR JURY TRIAL

INTO COURT, NOW COMES the Plaintiff, by and through her attorneys, ROMANO
LAW P.L.L.C., and hereby formally requests for a trial by a jury of the facts and issues
presented in the aforesaid causes of action.

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